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Remarks

Reconsideration of the above referenced application in view of the enclosed amendment and remarks is requested. Claim 6 has been cancelled. The limitations of Claim 6 have been added to Claim 1. Claims 1, 8, 11, 12, 14, 17, 20, and 22 have been amended. Existing claims 1-5 and 7-24 remain in the application.

Figures 2A and 2B have been added at the Examiner's request to show structure of the first signal. A request for drawing corrections is submitted herein. Structure of the first signal in exemplary embodiments is described in the Specification as originally filed. Thus, the drawing correction does not introduce new matter, nor does this modification change the scope of the claimed inventions.

The Specification has been amended to include reference to the added figures. Generally, these amendments are limited to adding reference numerals to existing description in order to appropriately reference the new Figures 2A and 2B. Thus, the Specification amendments do not introduce new matter, nor does this modification change the scope of the claimed inventions.

ARGUMENT

The Examiner's objection to the drawings is moot based on the Request for Drawing Corrections and amendments to the Specification. The structure of the first signal is described in the Specification as originally filed and an exemplary embodiment of the claimed structure is now shown in Figures 2A and 2B.

Claims 1, 6, 8, 11, 14, 17, 20 and 22 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. This rejection is respectfully traversed and Claims 1, 8, 11, 14, 17, 20 and 22 are believed allowable as amended based on the foregoing and following discussion.

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The Examiner argues that a signal is transmitted, and cannot reside in memory. This is an overly narrow view of the term signal. Applicant defines the use of the term signal, at least in the Background on page 2:

“Computer systems may store configuration *signals* in a memory. A computer system is any device including a processor capable of executing one or more instructions to generate *signals*. Such *signals* typically take the form of sequences of *binary signals* known as *bits*. ... *Configuration signals* are *signals* that may determine various settings for the operation of the computer system. For example, *configuration signals* may determine whether various input/output (I/O) ports comprised by the system are enabled, and I/O addresses for these ports. *Configuration signals* may determine other computer system settings as well. Such computer *configuration signals are well known in the art* as “set up information”. On personal computers, setup information is also often stored in a memory known as a real time clock (RTC) complementary metal oxide silicon (CMOS).” (Background, page 2, emphasis added)

As is understood by one of ordinary skill in the art, data is stored in memory as a series of binary digits, or binary signals. The encoding of data may use electrical, magnetic, optical or other signals. In the case of CMOS, for instance, the use of the term signal is appropriate, as used and defined by Applicant, because the stored configuration settings are stored in media that can represent analog or digital signal information. The use of the term signal is consistent with the written description and is therefore not indefinite. Further, the terms used by Applicant are consistently used and are easily understood by one of ordinary skill in the art, as discussed in the Background.

The term *data* may be substituted in the claims for the term *signal* without loss of understanding. However, the Specification fully defines and describes the term *signal*; thus, the Claims should use this term to remain consistent. Further, in contrast, the term *data*, as suggested by the Examiner, could be interpreted as *written* or *tangible* objects (data), which is not consistent with Applicant's description. Hence, the Examiner's objection is improper and Claims 1, 6, 8, 11, 14, 17, 20 and 22 are believed allowable.

Claims 1-4, 6-7, 14-15 and 22-23 are rejected under 35 U.S.C. § 102(b) as being anticipated by Western Digital (full web URL citation omitted). This rejection is respectfully traversed and Claims 1-4, 7, 14-15 and 22-23 are believed allowable as amended based on the foregoing and following discussion.

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The Western Digital web page enables a user to download a driver compatible with their system. Since it is a web page, it uses HTML, or similar, encoding. In contrast, in Claim 1, for instance, Applicant's claimed invention requires *generating a first signal defining 1) a location in a memory, and 2) a length in the memory of a second signal, the first signal having a cross-platform encoding, wherein the second signal comprises configuration settings for a computing system; and storing the first signal such that it may be accessed by an application program and wherein the second signal is applied to the computing system upon at least one of power-on and reset*. At no time does Western Digital teach or suggest that the URL (name and location of data) comprises system configuration settings. Further, Western Digital does not show or suggest that the second signal (the configuration settings themselves) are applied during power-on or reset.

Regarding Claim 6 (now merged into Claim 1), the Examiner asserts that Western Digital teaches that the data (signal) is a configuration setting. This argument is flawed for several reasons. The data which the Examiner interprets as the second signal, as claimed by Applicant, is a downloadable executable file. Specifically, Western Digital teaches the download of a device driver. A device driver is not equivalent to system configuration settings. The executable device driver is a program used to initialize and access a device. If a device driver was used as the second signal, as recited in Applicant's claims, Applicant's invention would not work. The executable code of a device driver is not equivalent to storing settings used at power-on and reset of a computing system. A computing system uses system configuration settings at power-on that a device driver does not contain, or mimic. Further, the Examiner asserts that a driver configures how a *device* will operate. Thus it is admitted by the Examiner that the device driver taught by Western Digital does not teach *system configuration settings*, but at most, only *device configuration settings*. Hence, the application of Western Digital's device driver is improper and Claims 1-4, 7, 14-15 and 22-23 are believed allowable.

Claims 5, 8-13, 16-21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Western Digital in view of U.S. Patent No. 6,161,176 to Hunter et al. (hereafter Hunter et al.). This rejection is respectfully traversed and Claims 5, 8-13, 16-21, and 24 are believed allowable as amended based on the foregoing and following discussion.

The Examiner asserts that Hunter et al. teaches transferring configuration settings from a first computer to a second computer. The Examiner also admits that Hunter et al. does not teach

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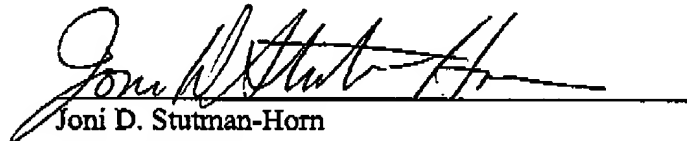
generating a first signal defining a location and length of the configuration settings and that the first signal is cross platform encoded. Hunter et al. does not teach a second signal comprising configuration settings for a computing system. Hunter et al. teaches *application configuration settings*, for instance as described in the Summary as providing "the ability to transfer configuration settings related to a computer application (termed "the settings) from one computer to a second computer." (Col. 2, lines 28-31) Application configuration settings are not equivalent to the *system configuration settings* as recited in Applicant's claims. Thus, a combination of the teachings of Western Digital and Hunter et al. do not teach or suggest Applicant's claimed invention. All claims remaining in the application are now allowable.

CONCLUSION

In view of the foregoing, Claims 1-5 and 7-24 are all in condition for allowance. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (703) 633-6845. Early issuance of Notice of Allowance is respectfully requested. Please charge any shortage of fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0221 and please credit any excess fees to such account.

Respectfully submitted,

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